

REMARKS

INTRODUCTION:

In accordance with the foregoing, the specification has been amended to more clearly relate aspects of the shown embodiments, claims 1, 14, 21, and 24 have been amended consistent with the Examiner's indication of allowable subject matter as set forth in the Advisory Action mailed November 3, 2005. Rejected claims 9, 10, and 20 have been cancelled without prejudice or disclaimer.

Claims 1-8, 11-19, 21-30 and 32-34 are pending and under consideration.

Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (1) the rejected claim(s) have been canceled;
- (2) it is believed that the amendment of claims 1, 14, 21, and 24 puts this application into condition for allowance as suggested by the Examiner;
- (3) the amendments of claims 1, 14, 21, and 24 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and
- (4) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

OBJECTION TO CLAIM:

On page 2 of the Office Action, the Examiner requests claims 1 and 14 to be amended in order to clarify a feature. While it is believed that claims 1 and 14 were previously presented in a manner consistent with 35 U.S.C. §112 as would be understood by one of ordinary skill in the art, claims 1 and 14 have been amended consistent with the Examiner's statement in items 5 and 6 of the Advisory Action to clarify the feature without narrowing the scope of the claims. As such, it is respectfully submitted that the Examiner's request has been satisfied.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at page 2, the Examiner rejects claims 9, 10, and 20 under 35 U.S.C. §102 in view of Lee (European Patent Publication 0 973 160 A1). This rejection is respectfully traversed and reconsideration is requested.

Claims 9, 10, and 20 have been cancelled without prejudice or disclaimer. As such, the rejection is deemed moot.

STATUS OF CLAIMS NOT REJECTED:

On page 3 of the Office Action, the Examiner allows claims 1-8, 11-13, 15-19, 22, 23, and 25-30, and objects to claims 14, 21, and 24 for depending from rejected claims. Claims 14 and 21 have been made independent and no longer depend from rejected claims and without incorporating the feature presenting a new issue as set forth in item 3 of the Advisory Action. As such, it is respectfully requested that the Examiner reconsider and withdraw the objection of claims 14, 21, and 24.

JOINT RESEARCH EXCLUSION STATEMENT:

On page 3 of the Office Action, the Examiner asserts that the applicants invoked a joint research agreement exception set forth in 35 U.S.C. §103(c) in the Amendment of June 27, 2005. However, it is respectfully submitted that no such exception has been invoked, and that

the June 27, 2005 Amendment does not contain a submission for said exception. As such, it is believed that the statement is a typographical error and should be withdrawn to clarify the record.

CONCLUSION:

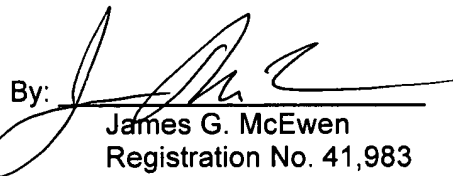
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI LLP

By: 
James G. McEwen
Registration No. 41,983

1400 Eye Street, NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

Date: Nov. 28, 2005